



*Town of Lamoine
Michael Jordan, Code Enforcement Officer
606 Douglas Hwy
Lamoine, ME 04605*

(207) 667-2242

February 12, 2013

**Mr. Roger Huber
Farrell, Rosenblatt & Russell
PO Box 738
Bangor, ME 04402-0738**

Dear Mr. Huber,

I am in receipt of your letter dated February 7, 2013 in regard to a proposed property split by Old Point, Inc (Map 1 Lot 33), and several questions about the legality of that.

Neither Lamoine's Building and Land Use Ordinance nor the Shoreland Zoning Ordinance addresses whether or not a lot owner may split ownership of a single lot, unless of course that split creates more than three lots and would potentially fall into the subdivision rules. That does not appear to be the case. You correctly identify the lot standards should one wish to develop the land – i.e. build a house or some other structure or land use.

You specifically ask about driveways that would serve the Shorefront area. The standards for driveways and/or private ways are contained in the Building and Land Use Ordinance, but are not applicable if no structure is being proposed. The lack of a driveway or private way is strictly a land use matter. Your questions appear to be about lot creation. Nothing in our ordinance precludes one from creating a non-conforming lot. The problem comes when one wishes to develop that non-conforming lot. If an application were submitted to develop the lot, the issuing authority would be obligated to deny the application because of the non-conformity. Beyond that I cannot offer any opinion.

The creation of a property split does not require approval from the Code Enforcement Officer. Creation of a subdivision, and again, this does not appear to be the case, would require approval from the Lamoine Planning Board. Because the Code Enforcement Officer is not authorized to pass legal judgment on such activity, I am reluctant to sign the "seen and agreed to" line on your letter.

Sincerely,

Michael Jordan, Code Enforcement Officer

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cc:File, Selectmen